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W.P.No.18763 of 2017

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :18.11.2022

CORAM :

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.18763 of 2017
and
W.M.P.No.20284 of 2017

Nadhiya

... Petitioner

-Vs-

1. The Secretary to the Govt. of
Tamil Nadu Social Welfare and Nurtitious
Meal Programmed Dept.,
Secretariat,
Chennai-600 009.
2. The District Collector,
Villupuram,
Villupuram Dist.
3. The District Project Officer,
Villupuram,
Villupuram Dist.
4. The Project Officer,
Child Developments,
Villupuram,
Villupuram Dist.
5. The Block Development officer/Commissioner,
Panchayat Union, Kanai ,
Villupuram Dist.
6. Smt.Revathi

... Respondents



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Prayer: Writ Petition filed under Article 226 of the Constitution of India to issue Writ of Certiorarified Mandamus, to call for the records and appointment order issued by the 2nd respondent in favour of the 6th respondent pertaining to proceedings in Na.Kaa.No.BE4/533/2016 dated 21.06.2017 and quash the same and consequently direct the 2nd respondent to appoint the petitioner as Noon Meal Orgaizer at Panchayat Union Middle School, Agaram Sithamoor, Kanai Panchayat Union in Villupuram District.

For Petitioner	: Mr.S.Udaya Kumar
For Respondents	:
for R.1 to R.4	: M/s.V.Arun, AAG, assisted by Mr.Neethiperumal, GA
for R.5	: Mr.C.Sangamithiran
for R.6	: Mr.S.Y.Masood

ORDER

The appointment of the sixth respondent as Noon Meal Organiser at Panchayat Union Middle School, Agaram Sithamoor, Kanai Panchayat Union in Villupuram District, is under challenge in the present writ petition.

2. The petitioner participated in the process of selection for appointment to the post of Noon Meal Organiser. She attended the



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interview, submitted all the requisite documents before the selection committee and was awaiting for the selection order. While so, the sixth respondent was selected and appointed in violation of the Government orders issued in G.O.Ms.No.163, dated 18.08.2010.

3. In this context, the learned counsel for the petitioner contended that the sixth respondent is not residing within the radius of 3 km and further the selection committee has not conducted the process of selection in a transparent manner and by assessing the candidates as per the guidelines issued by the Government in G.O.Ms.No.163.

4. The learned Additional Advocate General appearing on behalf of the respondents 1 to 4, objected to the said contentions by stating that the assessments were made by the selection committee and regarding the distance criteria, the competent authority conducted a measurement by affording opportunity to both the candidates and remeasured the distance pursuant to the interim direction issued by this Court. As per the measurements taken during the pendency of the writ petition, both the petitioner and the sixth respondent are residing within the radius of 3 km from the center.



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5. However, perusal of the statement of the selection committee, submitted before this Court, would reveal that no assessment was made in accordance with the Government Order issued and no marks were awarded under various heads. In the absence of awarding marks under various heads, on what basis, the assessment of merit was made by the competent selection committee is not made clear before this Court. In the absence of awarding of marks, it may not be possible for the selection committee to form a final opinion on merits.

6. In the present case, no such marks are awarded contrarily, the selection was made without fixing any particular criteria and thus, this Court is of the considered opinion that the selection is improper and in violation of the Government guidelines issued in G.O.Ms.No.163. More so, the selections must be conducted by following the established principles, which all are reiterated by the Constitutional course on many occasions. The selection must be transparent and the assessment is to be based on the criteria and by award marks, awarded by the committee. In the present case, no such exercise was done and thus, the selection is improper. Consequently, the order impugned passed by the second



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respondent, appointing the sixth respondent as Noon Meal Organiser in proceeding Na.Kaa.No.BE4/533/2016 dated 21.06.2017 is quashed.

7. The second respondent is directed to conduct a fresh selection by following the procedures as contemplated, in a transparent manner, as expeditiously as possible. Till such time the new in charge of Noon Meal Organiser is appointed in the centre, the sixth respondent may be allowed to continue with her service.

8. With these directions, this writ petition stands **allowed**. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

Index : Yes
Speaking order
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S.M.SUBRAMANIAM.J.,

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To

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